

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

2007 MAR -9 A 10:23

UNITED STATES OF AMERICA,

Petitioner,

v.

TODD CARTA,
(Reg. No. 14632-014,

Respondent.

Misc. Action No.

07 MBD 10057

**NOTICE OF CERTIFICATION THAT RESPONDENT
IS A SEXUALLY DANGEROUS PERSON AND
REQUEST FOR HEARING PURSUANT TO 18 U.S.C. § 4248(a)**

The United States of America, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, hereby provides notice to this Court that the respondent, Todd Carta, Reg. No. 14643-014, has been certified to be a “sexually dangerous person” pursuant to section 302(4) of the Adam Walsh Child Protection and Safety Act, Pub. L. No. 109-248, Title III, § 302(4), 120 Stat. 620 (July 27, 2006), codified at 18 U.S.C. § 4248(a), and moves this Honorable Court for a hearing to determine whether the respondent Todd Carta is a “sexually dangerous person” subject to civil commitment for treatment in an appropriate facility pursuant to 18 U.S.C. § 4248. In further support thereof, the United States says as follows:

1. Section 302(4) of the Adam Walsh Child Protection and Safety Act provides, as relevant here:

In relation to a person who is in custody of the Bureau of Prisons * *
* any individual authorized by the Attorney General or the Director of the Bureau of Prisons may certify that the person is a sexually dangerous person, and transmit the certificate to the clerk of the court for the district in which the person is confined. The clerk shall send

a copy of the certificate to the person, and to the attorney for the Government. * * * The court shall order a hearing [to be conducted pursuant to the provisions of section 4247(d)] to determine whether the person is a sexually dangerous person. A certificate filed under this subsection shall stay the release of the person pending completion of procedures contained in this section.

18 U.S.C. § 4248(a). The term “sexually dangerous person” is defined in 18 U.S.C. § 4247(a)(5) to mean “a person who has engaged or attempted to engage in sexually violent conduct or child molestation and who is sexually dangerous to others.” The term “sexually dangerous to others” is defined in 18 U.S.C. § 4247(a)(6) to mean, with respect to a person, “that the person suffers from a serious mental illness, abnormality, or disorder as a result of which he would have serious difficulty in refraining from sexually violent conduct or child molestation if released.”

2. Attached hereto as Exhibit 1 is a “Certification of a Sexually Dangerous Person” executed by Paul Sahwell, Interim Chairperson of the Bureau of Prisons’ Certification Review Panel. Attached hereto as Exhibit 2 is a copy of a memorandum from Harley G. Lappin, Director of the Bureau of Prisons, delegating to, among others, Paul Sahwell, Interim Chairperson of the Bureau of Prisons’ Certification Review Panel, the authority to certify offenders as sexually dangerous persons pursuant to 18 U.S.C. § 4248(a). These documents establish the following:

(1) That the respondent, Todd Carta, is presently in the custody of the Bureau of Prisons at the Federal Medical Center, Devens, Massachusetts, serving a 60-month federal term of imprisonment to be followed by three years of supervised release, following his conviction in the United States District Court for the District of Connecticut for Transportation of Child Pornography in violation of 18 U.S.C. § 2254. See United States v. Todd Carta, Criminal Docket No. 3:02-CR-00099 (DJS)). The offense conduct in the case involved Mr. Carta’s possession of approximately

110 images of child pornography. Mr. Carta's good conduct time release date is March 9, 2007.

(2) That an individual, Paul Sahwell, who has received the required delegation of authority from the Director of the Bureau of Prisons, has certified that respondent Todd Carta is a "sexually dangerous person" as defined by 18 U.S.C. § 4247(a)(5) and "sexually dangerous to others" as defined by 18 U.S.C. § 4247(a)(6), based on a review of Mr. Carta's Bureau of Prisons records.

WHEREFORE, the United States of America hereby requests that this Honorable Court set a time and date to conduct a hearing required by 18 U.S.C. § 4248(a) to determine whether respondent Todd Carta is a sexually dangerous person subject to commitment to the custody of the Attorney General for treatment in a suitable facility in accordance with 18 U.S.C. § 4248(d). Pursuant to 18 U.S.C. § 4248(a), as the result of the filing of the certification attached to this petition as Exhibit 1, respondent Todd Carta will remain in custody pending completion of the procedures set forth in 18 U.S.C. § 4248.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: 

MARK T. QUINLIVAN
Assistant U.S. Attorney
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3606

Dated: March 9, 2007

EXHIBIT 1

CERTIFICATION OF A SEXUALLY DANGEROUS PERSON

(1) I, Paul Sahwell, am Interim Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248(a).

(2) Bureau records reflect the following: Inmate Todd Carta, Register Number 14632-014, is in Bureau custody at the Federal Medical Center in Ayer (Devens), Massachusetts, serving a 60-month federal term of imprisonment to be followed by three years supervised release, following his conviction for Transportation of Child Pornography in violation of 18 U.S.C. § 2252A(a)(1) and Criminal Forfeiture in violation of 18 U.S.C. § 2253 (Criminal Docket No. 3:02-CR-00099 (DJS)(District of Connecticut)). The offense conduct in this case involved inmate Carta possessing approximately 110 images of child pornography. Inmate Carta's good conduct time release date is March 9, 2007.

(3) Based on a review of inmate Carta's Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by 18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

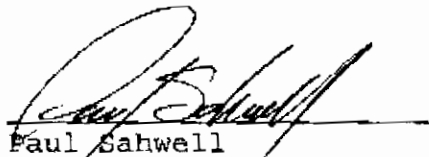
(A) Inmate Carta previously engaged or attempted to engage in the sexually violent conduct or child molestation as evidenced by his prior conviction for

Risk of Injury and sentence to a term of seven years in Criminal Case No. H:15N-CR01-0197500-S (New Britain Superior Court, CT). The offense conduct in that case involved inmate Carta fondling and performing oral sex on a 15-year-old male. Additionally, inmate Carta has admitted that on several occasions he had oral sex and intercourse with various young males ranging in age from 13 years to 17 years old.

(B) A limited psychological review of inmate Carta indicated Axis I diagnoses of Paraphilia, Not Otherwise Specified (Hebephilia), Cannabis Abuse, Hallucinogen Abuse, and Alcohol Abuse, and Axis II diagnoses of Antisocial Personality Disorder and Borderline Personality Disorder.

(C) An initial assessment of inmate Carta using two actuarial risk assessment instruments (Static-99 and Rapid Risk Assessment for Sexual Offense Recidivism (RRASOR)) was conducted. These results, in addition to inmate Carta's previous history of childhood maltreatment, offense conduct, substance abuse, and history of failure in sex offender treatment, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



Paul Sahwell
Interim Chairperson
Certification Review Panel
Federal Bureau of Prisons

3-7-07
Date

EXHIBIT 2



U.S. Department of Justice

Federal Bureau of Prisons

Office of the Director

Washington, DC 20534

October 31, 2006

MEMORANDUM FOR KATHLEEN M. KENNEY, ASSISTANT DIRECTOR
OFFICE OF GENERAL COUNSEL

JOHN M. VANYUR, ASSISTANT DIRECTOR
CORRECTIONAL PROGRAMS DIVISION

FROM:

Harley G. Lappin
Harley G. Lappin, Director

SUBJECT:

Establishment of a Certification Review Panel and
Delegation of Certification Authority

By this memorandum, I am directing the establishment of a Certification Review Panel (CRP) to review releasing offenders for civil commitment pursuant to Title 18 U.S.C. § 4248(a), as enacted by the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248). This panel is to be composed of staff from the Correctional Programs Division, the Office of General Counsel, and others appointed by the Assistant Director, Correctional Programs Division.

Further, I am delegating authority to certify offenders as "sexually dangerous persons" as defined under this law, to the Chairperson of the CRP. On an interim basis, this authority is delegated to Dr. William T. Bickart, Interim CRP Chairperson, and Dr. Paul Sahwell or Dr. John Baxter as alternate Chairpersons in his absence. As a permanent CRP is staffed, this delegated authority will convey to the Chairperson of the CRP.